HIGH COURT OF JUDICATURE AT BILASPUR : CHHATTISGARH

SINGLE BENCH : HON'BLE SHRI S.R. NAYAK, C.J.

WRIT PETITION NO. 3210 OF 2006.

PETITIONER	:	Bhojraj Bhardiya, S/o. late Bhimendra Kumar Bhardiya aged about 43 years, R/o. Village-Bharar, Tehsil-Patan Distt.-Durg (Chhattisgarh)

Versus

RESPONDENTS	1.	State of Chhattisgarh through – the Secretary, Department of Mineral Resources.
	2.	District Collector (Mineral Branch), Durg District-Durg (C.G.)

Present : Shri R.K. Gumasta, learned counsel for the petitioner.
Shri Sanjay S. Agrawal, learned G.A. for the State.

(ORAL ORDER)
(Passed on 4th July, 2006)

This writ petition is entitled to be allowed on a short ground. The mining lease granted to the petitioner has been prematurely detriment by the 2nd respondent by the impugned order dated 27.03.2006. It is stated that no objectionable act is attributed to the petitioner as a ground for terminating the lease. On the other hand, it is the case of the 2nd respondent that while quarrying mineral by the petitioner in pursuance of lease granted to him, a water tank of the Government is likely to be damaged and that was the reason which weighed with the 2nd respondent to prematurely terminate the lease. It is needless to state that the impugned action vitally affects the civil rights of the petitioner. Therefore, the 2nd respondent, in all fairness, before taking any adverse action against the petitioner, ought to have issued notice and given an

opportunity to the petitioner to have his say in the matter. Affected should be apprised is the constitutional creed flowing from Article 14 of the Constitution and that rule has been blatantly violated by the 2nd respondent. On that short ground, the writ petition is allowed and the impugned order is quashed. No costs. This order, however, shall not come in the way of the respondents to take appropriate action, if they so desire, in strict compliance of the principles of natural justice and after issuing notice to the petitioner to have his say in the matter.

Sd/-
Chief Justice

Brajesh